

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

DAVID SCOTT LONGHWAY,

Plaintiff,

v.

Civil No. 11-10947

COMMISSIONER OF
SOCIAL SECURITY,

DISTRICT JUDGE ARTHUR J. TARNOW
MAGISTRATE JUDGE CHARLES E. BINDER

Defendant.

MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION
on
DEFENDANT COMMISSIONER’S MOTION TO REMAND
(Doc. 9)

This matter is before the undersigned Magistrate Judge pursuant to an Order of Reference filed March 10, 2011. Defendant sought and was granted an extension of time in which to file an answer to the complaint. On June 30, 2011, Defendant filed the instant motion seeking remand to the Commissioner of Social Security because the “Defendant has been informed by the Office of Disability Adjudication and Review (ODAR) that the recording(s) of the hearing held on July 7, 2009 cannot be accurately transcribed due to the poor quality of the recording.” (Doc. 9 at 2.) Defendant therefore asks the Court to remand the case pursuant to the sixth sentence of 42 U.S.C. § 405(g) “to an Administrative Law Judge to hold another *de novo* hearing and issue a new decision.” (Doc. 9 at 2-3.)

Although the motion does not indicate whether concurrence of Plaintiff’s counsel was sought, after considering the Commissioner’s representations, I suggest that good cause

nonetheless supports the Commissioner's motion. Should Plaintiff's counsel object to the motion, he may do so in objections to this Report and Recommendation.

Accordingly, **IT IS RECOMMENDED** that the Commissioner's decision be **REVERSED** and the case **REMANDED** to the Commissioner for further proceedings pursuant to sentence six of 42 U.S.C. § 405(g).

s/ Charles E Binder

CHARLES E. BINDER
United States Magistrate Judge

Dated: July 7, 2011

CERTIFICATION

I hereby certify that this Report and Recommendation was electronically filed this date and electronically served on counsel of record via the Court's ECF System.

Date: July 7, 2011

By s/Patricia T. Morris
Law Clerk to Magistrate Judge Binder